

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CLARENCE MURRAY,

Petitioner,

v.

CIVIL ACTION NO. 2:19-cv-00106
(Criminal No. 2:17-cr-00011)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

On February 6, 2019, the Petitioner, appearing *pro se*, filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence (Document 68). On May 9, 2019, the United States filed its response/motion (Document 74) seeking dismissal of the Petitioner's 2255 motion.

By *Standing Order* (Document 69) entered on February 12, 2019, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On April 16, 2020, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 76) wherein it is recommended that this Court deny the Petitioner's § 2555 motion, grant the Respondent's response/motion to dismiss, dismiss this matter with prejudice, and remove this matter from the Court's docket.


Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by May 4, 2020, and none were filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's § 2555 motion (Document 68) be **DENIED**, the Respondent's response/motion to dismiss (Document 74) be **GRANTED**, this matter be **DISMISSED WITH PREJUDICE**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: May 11, 2020


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA